



Reprinted
April 8, 2005

ENGROSSED SENATE BILL No. 181

DIGEST OF SB 181 (Updated April 7, 2005 2:50 pm - DI 69)

Citations Affected: IC 13-11; IC 13-25.

Synopsis: Environmental assessment before demolition. If the municipal executive (or the county executive for unincorporated area) imposes the requirement, requires certain owners of Class 1 structures (other than a publicly owned structure or a multifamily residential building) to have an environmental assessment of the structure and the land within 50 feet of the structure done before demolition and to report the results to the municipality or county in which the structure is located.

Effective: July 1, 2005.

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(HOUSE SPONSORS — WOLKINS, DVORAK)

January 4, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

February 7, 2005, amended, reported favorably — Do Pass.

February 10, 2005, read second time, ordered engrossed.

February 11, 2005, engrossed.

February 15, 2005, read third time, passed. Yeas 43, nays 5.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Environmental Affairs.

March 29, 2005, amended, reported favorably — Do Pass.

April 7, 2005, read second time, amended, ordered engrossed.

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ES 181—LS 6422/DI 52+



Reprinted
April 8, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-25.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 25.9. (a) "Class 1 structure", for**
4 **purposes of IC 13-25-7, except as provided in subsection (b), has**
5 **the meaning set forth in IC 22-12-1-4.**

6 **(b) "Class 1 structure" does not include a multifamily**
7 **residential building.**

8 SECTION 2. IC 13-11-2-50.7 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2005]: **Sec. 50.7. "Demolish", for purposes**
11 **of IC 13-25-7, means to:**

12 **(1) wreck or raze by means of tools, equipment, or discharge**
13 **of explosives; or**

14 **(2) intentionally burn.**

15 SECTION 3. IC 13-25-7 IS ADDED TO THE INDIANA CODE AS
16 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2005]:

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**Chapter 7. Environmental Assessment of Class 1 Structures
Before Demolition**

Sec. 1. (a) This chapter applies:

(1) in a municipality only if the executive of the municipality approves the application of this chapter in the municipality; and

(2) in the area of a county not located in a municipality only if the executive of the county approves the application of this chapter in that area.

(b) This chapter does not apply to a Class 1 structure that:

(1) is located on real property that adjoins real property that contains an operating business owned by the same person that owns the Class 1 structure; or

(2) is being demolished as part of a routine maintenance program by a public utility (as defined in IC 8-1-2-1(a)) that owns structures located at multiple locations.

Sec. 2. (a) If the owner of real property on which a Class 1 structure is located intends to demolish the structure, the owner must:

(1) have an environmental assessment of the structure and the land owned by the real property owner within fifty (50) feet of the structure done in accordance with:

(A) Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process (ASTM E Standard Practice 1527.00), as amended or updated from time to time; or

(B) a similar standard approved by the commissioner; not more than one hundred eighty (180) days before the commencement of the demolition; and

(2) file a report of the results of the environmental assessment with:

(A) the executive of the municipality, if the structure is located in a municipality; or

(B) the executive of the county in which the structure is located, if the structure is not located in a municipality; at least thirty (30) days before the commencement of the demolition.

(b) The boards may adopt rules under IC 4-22-2 to implement this section.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "675 IAC 12-6-2(b), as in effect on January" and insert "**IC 22-12-1-4.**".

Page 1, delete line 6.

Page 1, line 7, delete "publicly owned" and insert "**multifamily residential building.**".

Page 1, delete line 8.

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 1. This chapter applies:

(1) in a municipality only if the executive of the municipality approves the application of this chapter in the municipality; and

(2) in the area of a county not located in a municipality only if the executive of the county approves the application of this chapter in that area."

Page 2, line 4, delete "1." and insert "2."

Page 2, line 7, after "structure" insert "**and the parcel or parcels on which the structure is located**".

Page 2, line 11, delete "1527.00); and insert "**1527.00), as amended or updated from time to time;**".

and when so amended that said bill do pass.

(Reference is to SB 181 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "1." insert "**(a)**".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

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"(b) This chapter does not apply to a Class 1 structure that:
(1) is located on real property that adjoins real property that
contains an operating business owned by the same person that
owns the Class 1 structure; or
(2) is being demolished as part of a routine maintenance
program by a person who owns structures located at multiple
locations.".

Page 2, line 14, delete "parcel or parcels on which" and insert
"footprint below".

Page 2, line 14, delete "is located".

and when so amended that said bill do pass.

(Reference is to SB 181 as printed February 8, 2005.)

WOLKINS, Chair

Committee Vote: yeas 10, nays 2.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 181 be amended to
read as follows:

Page 2, line 15, delete "person who" and insert **"public utility (as
defined in IC 8-1-2-1(a)) that".**

Page 2, line 21, delete "footprint below" and insert **"land owned by
the real property owner within fifty (50) feet of".**

(Reference is to ESB 181 as printed March 30, 2005.)

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